

Instrument prepared by

VIRGINIA GAS AND OIL BOARD

Order recorded under

**CODE OF VIRGINIA
§ 45.1-361.26**

BEFORE THE VIRGINIA GAS AND OIL BOARD

RELIEF SOUGHT: An Order for Disbursement of Escrowed Funds ☐
(and Authorization for Direct Payment of Royalties)

JURISDICTION: Code of Virginia § 45.1-351. (et seq) AND § 45.1-361.22 (et seq)

UNIT/WELL NAME: AY110

TRACT(S): 3, 7

LOCATION: RUSSELL County, Virginia

DOCKET NUMBER: VGOB-01-0320-0875-02

APPLICANTS: CNX Gas Company LLC on behalf of Buckhorn Coal Company, Gent Enterprises, LLC

HEARING DATE AND LOCATION: Russell County Government Center, Lebanon, Virginia ☐
May 20, 2014

APPEARANCES: Mark A. Swartz on behalf of CNX Gas Company LLC

PRIOR PROCEEDINGS:

1. Original Pooling Order Executed 04/26/2001, Recorded on 05/02/2001, Deed Book/Instrument No. 525, Page 48.
2. Supplemental Order Executed 07/26/2001, Recorded on 08/08/2001, Deed Book/Instrument No. 532, Page 242.
3. Disbursement Order -01 Executed 08/31/2009, Recorded on 08/31/2009, Deed Book/Instrument No. 710, Page 936.

NOTICE:

The Unit Operator gave notice to the Applicants that the Board would consider its disbursement petition at the May 20, 2014 hearing and considered whether to:

(1) Amend the Pooling Order to provide for the disbursement of funds on deposit in the Escrow Account attributable to Tract(s) 3, 7 identified in the attached petition.

(2) Delete the requirement that the Unit Operator place future royalties attributable to Tract(s) 3, 7 relative to the interests of the Applicants identified in the attached petition.

(3) Continue the escrow account under this docket number.

FINDINGS: Code of Virginia § 45.1-361.22

Applicant has certified and represented to the Board that:

Under Case #CL10000662-00, executed May 12, 2011, the Circuit Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/PG53, dated 10/26/1970. The conveyances included all right and title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc., which allows the interest to be paid under the terms of the royalty split agreement previously executed by the parties. Buckhorn Coal Company and Gent Enterprises, LLC have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid.

RELIEF GRANTED:

VGOB Disbursement
Unit AY110

VGOB-01-0320-0875-02

Table 1
Tracts: 3, 7

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage Ownership inTract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed
		Total acreage in escrow before disbursement				17.30000	
	3	Tract 3 (total acreage)		14.56			
1	3	Buckhorn Coal Company\P.O. Box 187, Tazewell, VA 24651		14.5600	50.00%	7.2800	42.0809%
2	3	Gent Enterprises, LLC\P.O. Box 330, Honaker, VA 24260		14.5600	50.00%	7.2800	42.0809%

7		Tract 7 (total acreage)	2.73				
1	7	Buckhorn Coal Company\P.O. Box 187, Tazewell, VA 24651		2.7300	50.00%	1.3650	7.8902%
2	7	Gent Enterprises, LLC\P.O. Box 330, Honaker, VA 24260		2.7300	50.00%	1.3650	7.8902%

1. The Escrow Agent is ordered, to within ten (10) days of receipt of this executed order, disburse funds for the unit and applicants detailed in Table 1.

2. The Escrow Agent is ordered to continue the Escrow Account for the Subject Drilling unit based on the attached Revised Exhibit E which replaces all prior Exhibit E's recorded for the Subject Drilling Unit.

CONCLUSION:

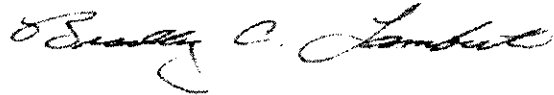
Therefore, the requested relief and all terms and provisions set forth above be and hereby are granted and IT IS SO ORDERED.

APPEALS:

Appeals of this Order are governed by the provisions of the Code of Virginia § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

BOOK 0776 PAGE 0657

DONE AND EXECUTED this 28 day of May, 2014 by a majority of the Virginia Gas and Oil Board.



Chairman, Bradley C. Lambert

DONE AND PERFORMED this 28 day of May, 2014 by Order of the Virginia Gas and Oil Board.



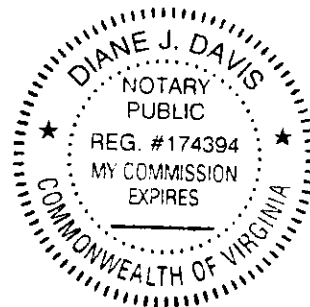
Rick Cooper
Principal Executive to the
staff, Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA
COUNTY OF RUSSELL

Acknowledged on this 28th day of May, 2014, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and appeared Rick Cooper, being duly sworn did depose and say that he is Principal Executive to the staff of the Virginia Gas and Oil Board, that they executed the same and was authorized to do so.


Diane J. Davis, Notary Public
174394

My Commission expires: September 30, 2017



BEFORE THE VIRGINIA GAS AND OIL BOARD

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL

DOCKET NO: VGOB 01-0320-0875-02

**RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 3, 7
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES**

HEARING DATE: May 20, 2013

DRILLING UNIT: AY110

RUSSELL COUNTY, VIRGINIA

PETITION FOR ORDER OF DISBURSEMENT OF ESCROW FUNDS

1. Petitioner and its counsel

Petitioner is CNX Gas Company LLC, 2481 John Nash Blvd, Bluefield, WV 24701, (304)323-6500. Petitioner's counsel is Mark A. Swartz, Swartz Law Offices, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808..

2. Relief Sought

(1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 3&7 as depicted upon the annexed Table 1; and (2) authorization to begin paying royalties directly to the parties to the royalty split between Buckhorn Coal Company and Gent Enterprises, LLC

3. Legal Authority

Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

4. Type of Well(s)

Coalbed Methane

5. Factual basis for relief requested

Under Case #CL10000662-00, executed May 12, 2011, the Circuit Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/PG53, dated 10/26/1970. The conveyances included all right and title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc., which allows the interest to be paid under the terms of the royalty split agreement previously executed by the parties. Buckhorn Coal Company and Gent Enterprises, LLC have entered into royalty split agreement(s). Said royalty split agreement allows the Applicant and Designated Operator to pay royalties directly to the persons identified in Exhibit EE annexed hereto and the annexed Table 1, further, specifies how said royalties are to be divided and paid.

6. Attestation

The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

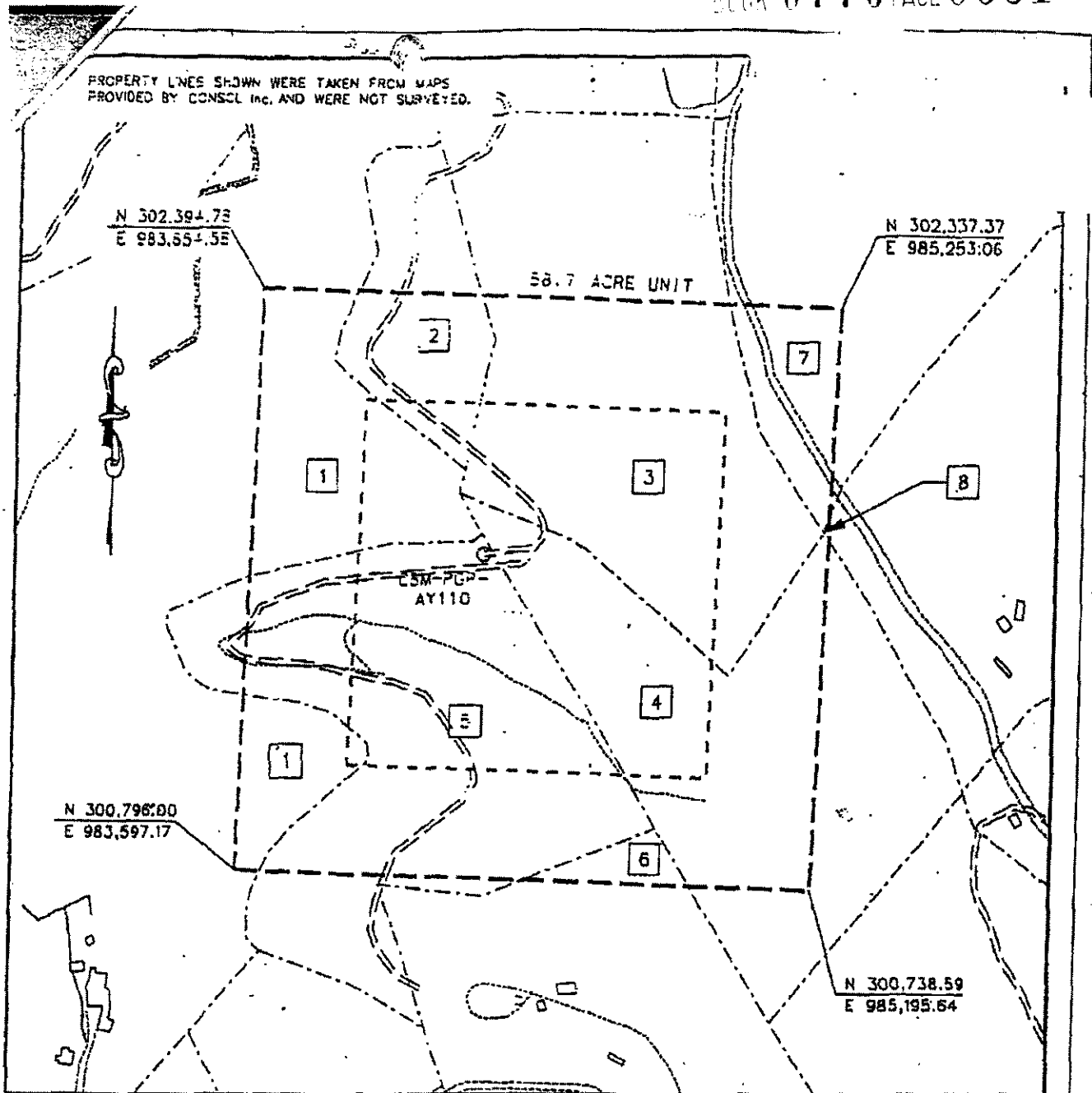


EXHIBIT A
MIDDLE RIDGE 1 FIELD
UNIT AY-110
FORCE POOLING
VGDB-01-0320-0875

Company Pecahontas Gas Partnership Well Name and Number UNIT AY-110
Tract No. _____ Elevation _____ Quadrangle Honaker
County Russell District New Garden Scale: 1" = 400' Date 9/3/01
This plat is a new plat X ; an updated plat _____ ; or a final plat _____

Form GGD-GD-7
Rev. 9/91

Charles E. May
Licensed Professional Engineer or Licensed Land Surveyor

(Affix Seal)

CNX Gas Company LLC
UNIT AY110
Tract Identifications
(58.70 Acre Unit)

1. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Company – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Peggy Rasnake, et al – Surface, Oil and Gas
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 9.41 acres 16.0306%

2. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Company – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Michael Whited, et al – Oil and Gas
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Michael Whited – Surface
 3.28 acres 5.5877%

3. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Company – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Gent Enterprises, LLC – Oil and Gas
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 Michael Whited OR Gent Enterprises, LLC – Surface
 14.56 acres 24.8041%

4. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Company – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Michael Whited, et al – Oil and Gas
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Michael Whited – Surface
 11.37 acres 19.3697%

5. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Company – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Michael Whited, et al – Oil and Gas
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 Michael Whited – Surface
 16.51 acres 28.1261%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

CNX Gas Company LLC
UNIT AY110
Tract Identifications
(58.70 Acre Unit)

6. Buckhorn Coal Company (H. C. Stuart 405.06 Acre Tract) – Coal
 Reserve Coal Properties Company - Below Drainage Coal Leased
 Knox Creek Coal Company – Above Drainage Coal Leased
 CNX Gas Company LLC – CBM Leased
 Goldie Hess – Surface, Oil and Gas
 CNX Gas Company LLC – Oil, Gas and CBM Leased
 0.83 acres 1.4140%

7. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Gent Enterprises, LLC –Oil and Gas
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 Michael Whited OR Gent Enterprises, LLC – Surface
 2.73 acres 4.6508%

8. Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) - Coal
 Knox Creek Coal Corporation - Above Drainage Coal Leased
 CNX Gas Company LLC - CBM Leased
 Michael Whited, et al OR Elijah Stacy Heirs –Oil and Gas
 CNX Gas Company LLC - Oil, Gas and CBM Leased
 Michael Whited OR Elijah Stacy Heirs –Surface
 0.01 acres 0.0170%

"This title block is for general informational purposes only and does not reflect an analysis of the severance deed and its effect upon coal bed methane ownership and should not be relied upon for such purpose."

VGOB Disbursement

Unit AY110

VGOB-01-0320-0875-02

Table 1

Tracts: 3, 7

Item	Tract	Disbursement Table	Fractional Ownership in Tract	Net Acreage in Tract	Royalty Split Agreement	Escrowed Acres Disbursed	Percent of Escrowed Funds Disbursed	Disbursement
		Total acreage in escrow before disbursement				17.30000		
	3	Tract 3 (total acreage)		14.56				
1	3	Buckhorn Coal Company\P.O. Box 187, Tazewell, VA 24651		14.5600	50.00%	7.2800	42.0809%	\$15,808.45
2	3	Gent Enterprises, LLC\P.O. Box 330, Honaker, VA 24260		14.5600	50.00%	7.2800	42.0809%	\$15,808.45
	7	Tract 7 (total acreage)		2.73				
1	7	Buckhorn Coal Company\P.O. Box 187, Tazewell, VA 24651		2.7300	50.00%	1.3650	7.8902%	\$2,964.08
2	7	Gent Enterprises, LLC\P.O. Box 330, Honaker, VA 24260		2.7300	50.00%	1.3650	7.8902%	\$2,964.08

Wells contributing to the escrow account: PGP AY110 W/PL, CBM AY110A W/PL

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Exhibit E
Unit AY110
Docket #VGOB-01-0320-0875-02
List of Conflicting Owners/Claimants that require escrow

	Acres in Unit	Interest in Unit
<u>Tract #8, 0.01 acres</u>		
<i>Escrow due to Title Conflict</i>		
<u>COAL OWNERSHIP</u>		
(1) Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24651	0.01 acres	0.0170%
<u>OIL & GAS OWNERSHIP</u>		
Michael Whited, et al (Previously Columbus Earl Whited)		
(1) Michael Whited, et al (Previously Columbus Earl Whited)	0.01 acres	0.0170%
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.001 acres 1/10 of 0.01 acres	0.0017%
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	0.002 acres 9/50 of 0.01 acres	0.0031%
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	0.002 acres 9/50 of 0.01 acres	0.0031%
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	0.002 acres 9/50 of 0.01 acres	0.0031%
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.002 acres 9/50 of 0.01 acres	0.0031%
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.002 acres 9/50 of 0.01 acres	0.0031%
(OR)		
(1) Elijah & Zella Stacy Heirs, Devises, Successors or Assigns	0.01 acres	0.0170%
(a) Fayne E. Stacy 209 Windham Lane Mars, PA 16046	0.003 acres 1/3 of 0.01 acres	0.0057%
(b) Nancy C. Stacy 2830 German Town Road Oakton, VA 22124	0.002 acres 1/6 of 0.01 acres	0.0028%
(c) Janice Shortridge 9966 Longford Court Veina, VA 22180	0.002 acres 1/6 of 0.01 acres	0.0028%
(d) Myra J. Stacy, widow 2611 Stoneridge Court Arlington, TX 76014	Life Estate	
(e) Alan Stacy 2611 Stoneridge Court Arlington, TX 76014	0.003 acres 1/3 of 0.01 acres	0.0057%

Exhibit EE
Unit AY110
Docket #VGOB-01-0320-0875-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1, 9.41 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company (H.C. Stuart 405 Acre Tract) P. O. Box 187 Tazewell, VA 24651	9.41 acres	16.0306%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Peggy Rasnake, et al 122 Acre Tract - Michael O. Rasnake Heirs	9.41 acres	16.0307%	
(a) Mike O. Rasnake Heirs, Devisees, Successors or Assigns			
(a.1) Peggy Rasnake (a.2) Bobby Lee Rasnake (a.3) Donna Jean Whitt			By Deed of Gift dated October 26, 2012 and Corrective Deed of Gift dated February 11, 2013, Peggy Rasnake, Bobby Rasnake & Donna Whitt assign all their royalty and minerals to Peggy Rasnake for her lifetime. They further convey the remainder to Bobby Rasnake, Donna Whitt, Harold Dye and Deborah Carlock; DB 758/305 (RC).
Peggy Rasnake * 73 Miller Creek Road Honaker, VA 24260	9.41 acres	16.0307%	n/a
* Entitled to a 100% of all royalties and minerals for her lifetime, paid under the terms of the Royalty Agreement			
(b.1) Bobby Lee Rasnake 1233 Miller Creek Rd. Honaker, VA 24260			1/4 Interest subject to the Life Estate of Peggy Rasnake
(b.2) Donna Jean Whitt 6980 Drill Rd. Honaker, VA 24260			1/4 Interest subject to the Life Estate of Peggy Rasnake
(b.3) Harold David Dye 1162 Fescue Road Rowe, VA 24846			1/4 Interest subject to the Life Estate of Peggy Rasnake
(b.4) Deborah Cook Carlock 1394 Elk Garden Road Lebanon, VA 24266			1/4 Interest subject to the Life Estate of Peggy Rasnake
<u>Tract #2, 3.28 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Buckhorn Coal Company (H.C. Stuart 405 Acre Tract) P. O. Box 187 Tazewell, VA 24651	3.28 acres	5.5877%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Michael Whited, et al (Previously Columbus Earl Whited)	3.28 acres	5.5877%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	0.328 acres 1/10 of 3.28 acres	0.5588%	n/a
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	0.590 acres 9/50 of 3.28 acres	1.0058%	n/a

Exhibit EE
Unit AY110
Docket #VGOB-01-0320-0875-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

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	Acres in Unit	Interest in Unit	Percent of Escrow
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	0.590 acres 9/50 of 3.28 acres	1.0058%	n/a
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	0.590 acres 9/50 of 3.28 acres	1.0058%	n/a
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	0.590 acres 9/50 of 3.28 acres	1.0058%	n/a
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	0.590 acres 9/50 of 3.28 acres	1.0058%	n/a

Tract #3, 14.56 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company (H.C. Stuart 405 Acre Tract) P. O. Box 187 Tazewell, VA 24651	14.56 acres	24.8041%	42.0809%
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OIL & GAS OWNERSHIP

(1) Gent Enterprises, LLC (50 Acre Tract) P.O. Box 330 Honaker, VA 24260 (Previously listed as a title conflict between Michael Whited, or Gent Enterprises, LLC)	14.56 acres	24.8041%	42.0809%
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Under Case #CL10000662-00, executed May 12, 2011, the Court of Russell County clarified the conveyances from the Rasnakes to the Gents in DB 223/ PG 53, dated 10/26/70 included all right, title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc.

Royalties can be paid based on the royalty agreement between Buckhorn / Gent Enterprises

Tract #4, 11.37 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company (H.C. Stuart 405 Acre Tract) P. O. Box 187 Tazewell, VA 24651	11.37 acres	19.3697%	n/a
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OIL & GAS OWNERSHIP

(1) Michael Whited, et al (Previously Columbus Earl Whited)	11.37 acres	19.3697%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.137 acres 1/10 of 11.37 acres	1.9370%	n/a
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	2.047 acres 9/50 of 11.37 acres	3.4865%	n/a
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	2.047 acres 9/50 of 11.37 acres	3.4865%	n/a
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	2.047 acres 9/50 of 11.37 acres	3.4865%	n/a

Exhibit EE
Unit AY110
Docket #VGOB-01-0320-0875-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.047 acres 9/50 of 11.37 acres	3.4865%	n/a
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.047 acres 9/50 of 11.37 acres	3.4865%	n/a

Tract #5, 16.51 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company (H.C. Stuart 405 Acre Tract) P. O. Box 187 Tazewell, VA 24651	16.51 acres	28.1261%	n/a
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OIL & GAS OWNERSHIP

(1) Michael Whited, et al (Previously Columbus Earl Whited)	16.51 acres	28.1261%	
(a) Michael Whited PO Box 297 Swords Creek, VA 24696	1.651 acres 1/10 of 16.51 acres	2.8126%	n/a
(b) Ferrell Whited PO Box 1471 Honaker, VA 24260	2.972 acres 9/50 of 16.51 acres	5.0627%	n/a
(c) Herald Whited 120 Clifton Farm Rd. Honaker, VA 24260	2.972 acres 9/50 of 16.51 acres	5.0627%	n/a
(d) Marty Whited PO Box 881 Lebanon, VA 24266-0881	2.972 acres 9/50 of 16.51 acres	5.0627%	n/a
(e) Cathy Darlene Ward 2014 Miller Creek Rd Swords Creek, VA 24649	2.972 acres 9/50 of 16.51 acres	5.0627%	n/a
(f) Melissa Skeens 120 Clifton Farm Rd Honaker, VA 24260	2.972 acres 9/50 of 16.51 acres	5.0627%	n/a

Tract #6, 0.83 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company (H.C. Stuart 405 Acre Tract) P. O. Box 187 Tazewell, VA 24651	0.83 acres	1.4140%	n/a
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OIL & GAS OWNERSHIP

(1) Clyde Hess, et ux P.O. Box 118 Rowe, VA 24646	0.83 acres	1.4140%	n/a
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Tract #7, 2.73 acres

COAL OWNERSHIP

(1) Buckhorn Coal Company (Jacob Fuller 453 Acre Tract) P. O. Box 187 Tazewell, VA 24651	2.73 acres	4.6508%	7.8902%
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Exhibit EE
Unit AY110
Docket #VGOB-01-0320-0875-02
List of Conflicting Owners/Claimants with Royalty Split Agreements

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>OIL & GAS OWNERSHIP</u>			
(1) Gent Enterprises, LLC (50 Acre Tract) P.O. Box 330 Honaker, VA 24260 <i>(Previously listed as a title conflict between Michael Whited, or Gent Enterprises, LLC)</i>	2.73 acres	4.6508%	7.8902%
<i>Under Case #CL10000662-00, executed May 12, 2011, the Court of Russell County clarified the conveyances from the Rasnakes to the Genis in DB 223/ PG 53, dated 10/26/70 included all right, title in and to the oil, gas, (including coalbed methane gas and deep gas), minerals (other than coal), etc.</i>			
<i>Royalties can be paid based on the royalty agreement between Buckhorn / Gent Enterprises</i>			
	Total Acreage Resolved	58.69	
	Total Percentage Resolved		99.9830%

VIRGINIA: IN THE CIRCUIT COURT OF RUSSELL COUNTY

GENT ENTERPRISES, LLC,.....PLAINTIFF,

vs. Case No.: CL10000662-00

**RALPH SNEAD, ADMINISTRATOR
C.T.A. FOR THE ESTATE OF
COLUMBUS EARL WHITED, et als,.....DEFENDANTS.**

FINAL ORDER

THIS ACTION CAME ON TO BE HEARD, upon the Plaintiff's Complaint herein;
upon service of process upon Herald Whited, in person, on November 1, 2010, upon
Marty Whited by posting on November 1, 2010, upon Ferrell Whited, in person, on
November 1, 2010, upon Kathy Ward, by posting, on October 14, 2010, upon Melissa
Skeens, by posting, on October 14, 2010, on Michael Whited, by posting, on
November 14, 2010, upon Ralph Snead, Administrator CTA of the Estate of
Columbus Earl Whited, in person on October 18, 2010; upon answers filed herein on
behalf of Ralph Snead, Administrator CTA of the Estate of Columbus Earl Whited,
by Stephen M. Quillen, Esq. on January 11, 2011, by answer filed on behalf of
Michael Whited, on November 10, 2010, by his attorney, James T. Shortt, II, Esq.;
upon answers pro se filed by Melissa Skeens on 11/15/10, by Ferrell Whited on
11/19/10, and by Herald Whited on 11/19/10; and upon Plaintiff's Notice of Trial
herein filed and mailed to counsel of record on February 8, 2011, upon the Plaintiff's
Notice of Trial giving ten (10) days of notice for judgment of default to Marty Whited

Page Number 16.

and Kathy Ward by counsel for the Plaintiff on January 6, 2011; upon Notice of trial date given to all pro se Defendants and the Defendants in default by counsel for the Plaintiff on April 19, 2011; upon the Counter-Claim of Michael Whited herein filed on March 24, 2011; upon the Plaintiff's Motion to Dismiss the Defendant's Counter-Claim and Demurrer to the Defendant's Counter-Claim herein filed on April 11, 2011; and upon the trial of this action held on April 29, 2011, and was argued by counsel.

WHEREUPON, the Court first proceeded to hear, pre-trial, the Defendant's Motion for Continuance and Plaintiff's Motion to Dismiss the Defendant's Counter-Claim, after having considered arguments upon both Motions, and finding it proper so to do, it is

ADJUDGED, ORDERED, AND DECREED THAT the Defendant's Counter-Claim be, and the same is hereby dismissed and the Defendant's Motion for Continuance is denied.

THEREUPON, the Plaintiff presented its evidence consisting of the testimony of Charles Gent and documents entered into evidence as Plaintiff's Exhibits 2-4; and rested.

The Defendants then presented the testimony of Michael Whited, with documents consisting of receipts for payment of taxes admitted as Defendant's Exhibit 1.

The Plaintiff offered in rebuttal the testimony of Harvey Gent and mineral tax

receipts for payments of taxes upon the property that is the subject of this action, admitted as Plaintiff's Exhibit 5.

WHEREUPON, the Court, having considered the evidence of the Plaintiff and Defendant, the argument of counsel, and having reviewed the Deed from Mike Rasnake and Peggy Rasnake to R. W. Gent, R. F. Gent, and C. H. Gent dated October 26, 1970 and found of record in the Office of the Clerk of this Court in Deed Book 223, at page 53, and having reviewed the deed from Mike and Peggy Rasnake to Earl Whited dated October 19, 1972, found of record in the Office of the Clerk of this Court in Deed Book 235, at page 525; it is

ADJUDGED, ORDERED, AND DECREED THAT the deed from Mike Rasnake and Peggy Rasnake to R. W. Gent, et al, dated October 26, 1970 and recorded in Deed Book 223, at page 53 is prior in time, and therefore in right to the later deed from Mike Rasnake and Peggy Rasnake to Earl Whited, dated October 19, 1972 and found of record in Deed Book 235, at page 525 and that accordingly the aforesaid deed from the Rasnakes to the Gents dated October 26, 1970 and found of record in Deed Book 223, at page 53, conveyed all of the right, title, and interest of Mike Rasnake and Peggy Rasnake and their predecessors in title in and to all oil, gas (including coalbed methane gas and deep gas), minerals (other than coal), and timber, along with the other surface rights pertaining to mining, wheelage, prospecting, exploration, and otherwise as set forth in Deed Book 223, pages 54 to

Deed Book 223, page 57 to R. W. Gent, R. F. Gent, and C. H. Gent, predecessors in title to Gent Enterprises, LLC, which rights have, by conveyance in the chain of title since 1970, vested in Gent Enterprises, LLC, the Plaintiff herein.

It is further **ADJUDGED, ORDERED, AND DECREED THAT** the deed from Mike Rasnake and Peggy Rasnake to Earl Whited dated October 19, 1972, found of record in Deed Book 235, at page 525 operates to convey only the rights to use the real estate described therein, which is the same real estate as described in the earlier deed to the Gents, above referenced, for agricultural purposes only so long as such use does not interfere with the rights granted to the Gents by the above referenced deed of October 26, 1970, found of record in the Office of the Clerk of this Court in Deed Book 223, at page 53, such rights being the only rights which at the time of such conveyance, the Rasnakes had to convey, and which rights, in accordance with the holding of this Court, expressly do not include any rights to oil, gas (both coalbed methane gas and deed gas) minerals (except for coal) and any of the other above stated rights conveyed to the Gents by the aforesaid October 26, 1970-deed; which rights under the Last Will and Testament of Columbus Earl Whited are now vested in the Defendant, Michael Whited. *This matter is ended.*

REQUESTED:

The Clerk is directed to record this Order in the Land Records for Russell County.



Of Counsel for the Plaintiff, Gent Enterprises, LLC

SEEN:

James L. Smith
Of Counsel for Michael White

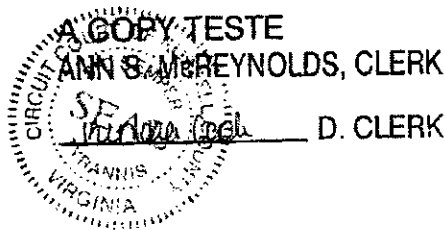
SEEN:

Stephen M. Sullivan
Of Counsel for Ralph Snead, Administrator, CTA of the
Last Will and Testament of Columbus Earl White

Signature of Pro Se Defendants dispensed with per Rule 1:13 of the Rules of the
Supreme Court of Virginia

ENTER: this the 12th day of May, 2011

Michael J. Moore
JUDGE



1101260

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF RUSSELL COUNTY, 5-13, 2011. This deed was this day
presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:38 o'clock P M, after payment of
\$ tax imposed by Sec. 58.1-802.

Original returned this date to: In Court File

TESTE: ANN S. McREYNOLDS, CLERK
BY: Michael C. Calk D. CLERK

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1401136

VIRGINIA: IN THE OFFICE OF THE CLERK OF THE CIRCUIT OF RUSSELL COUNTY, 6-12, 2014. This deed was this day
presented in said office, and upon the certificate of acknowledgment thereto annexed, admitted to record at 2:48 o'clock P M, after
payment of \$ tax imposed by Sec. 58.1-802.

Original returned this date to: Sarah Gilmer

TESTE: ANN S. McREYNOLDS, CLERK
BY: Sheila Retton D. CLERK